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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,914	06/26/2003	John B. Pickering	GB9-2001-0104US1 (353)	5710
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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER JACKSON, JAKIEDA R	
			ART UNIT 2626	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/606,914

Applicant(s)

PICKERING, JOHN B.

Examiner

Jakieda R. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the Office Action mailed June 29, 2007, applicant submitted an amendment filed on October 1, 2007, in which the applicant amended and requested reconsideration with respect to **claims 1, 10 and 19**.

### ***Response to Arguments***

2. Applicant's argue that none of the prior art cited teaches the amended claim limitations of preparing a document to be read by a text-to-speech reader wherein identifying text elements comprises marking gross structural subdivisions of text with a first set of sequenced tags, marking individual paragraphs pf the text with a second set of sequenced tags, and marking text elements with a third set of sequenced tags to generate a hierarchical tree identifying the text elements and generating one or more clusters according to each identifiable topic of the document wherein similarity is based upon lexical affinities among the text elements. Applicants arguments are persuasive, but are moot in view of new grounds of rejections.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 3-6, 8-10, 12-15, 17-19, 21-24 and 26-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Henton (USPN 5,860,064) in view of Nagao (USPN 7,191,131) and in further view of de Hita et al. (USPN 6,081,774), hereinafter referenced as de Hita.

Regarding **claims 1, 10 and 19**, Henton discloses a method, system and storage, hereinafter referenced as a method for preparing a document to be read by a text-to-speech reader, said method comprising:

identifying two or more voice types available to the text-to-speech reader (angry, bored emphasis, etc.; figure 2); and

identifying text elements within the document (select text; figure 3, element 501 with column 6, lines 8-10), but does not specifically teach identifying text elements, grouping similar text and classifying the text elements according to voice types available.

de Hita teaches a method comprising:

grouping similar text elements together, wherein the step of grouping comprises generating one or more clusters (cluster; column 19, line 38 – column 20, line 37) according to each identifiable topic of the document (topic), syntactically parsing the document (parse filter includes a syntactic filter) and subsequently performing text mining to determine which text elements in the document are similar (match; column 4, lines 33-39 and column 13, line 46 – column 14, line 11 and column 18, line 62-37), to identify the correct morphological form of the tokens.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Henton's method, system and storage wherein it groups similar text elements, as taught by de Hita, to generate temporary linguistic array containing each token in the file along with the morphological, syntactical and semantic information related to that token (column 13, lines 46-62).

Henton in view of de Hita disclose a method for preparing a document to be read, but does not specifically teach identifying text elements and classifying the text elements according to voice types available.

Nagao discloses a method for preparing a document to be read by a text-to-speech reader (column 2, lines 46-52 and column 32, lines 33-37) wherein identifying text elements comprises marking gross structural subdivisions (subdivision structure; column 10, lines 31-47) of text with a first set of sequenced tags (tag), marking individual paragraphs of the text with a second set of sequenced tags, and marking text elements with a third set of sequenced tags to generate a hierarchical tree (hierarchical) identifying the text elements (column 3, lines 13-21 and column 10, lines 31-47) and classifying the text elements according to voice types available to the text-to-speech reader (emphasizing the accents and voice having different characteristics; column 30, line 44 – column 31, line 2), to change the manner of reading out a given document depending on the formulated summary text.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Henton in view of de Hita's method where it is described above, to change the manner of reading out a given document depending on

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the formulated summary text by intoning the document portion included in the formulated summary text (column 31, lines 3-9).

Regarding **claims 3, 12 and 21**, Henton discloses a method wherein the step of identifying text elements comprises breaking down the document into elements and separating out the text elements (select portion of the text; column 7, line 60 – column 8, line 67).

Regarding **claims 4, 13 and 22**, Henton discloses a method wherein the step of grouping similar text elements together comprises parsing for structural features of the text elements (parse and process text; column 13, lines 26-37).

Regarding **claims 5, 14 and 23**, Henton discloses a method wherein the structural features of the text elements include at least one of the position of the text element in the document, the syntax of the text element, and text features within the text element (syntax; column 13, line 26 – column 16, line 24).

Regarding **claims 6, 15 and 24**, Henton in view de Hita disclose everything as claimed in claim 1. In addition, de Hita teaches a method for analyzing emotion in text wherein the step of grouping similar text elements further comprises parsing for thematic features of the text elements (topic; column 13, line 46 – column 14, line 12 and column 20, line 38 – column 22, line 13)

Regarding **claims 8, 17 and 26**, Henton in view de Hita and Nagao disclose everything as claimed in claim 1. In addition, Nagao teaches a method a method wherein the step of classifying the text elements according to the characteristics of the available voice types comprises identifying similar themes within the text elements and

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voice types (voice having different characteristics; column 31, line 44 – column 31, line 2).

Regarding **claims 9, 18 and 27** Henton in view de Hita and Nagao disclose everything as claimed in claim 1. In addition, Iwaki teaches a method wherein the step of classifying the text elements according to the characteristics of the available voice types comprises identifying similar intentions within the text elements and voice types (voice having different characteristics; column 31, line 44 – column 31, line 2).

5. **Claims 2, 7, 11, 16, 20 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Henton in view de Hita and Nagao, and in further view of Squibbs et al. (USPN 7,103,548), hereinafter referenced as Squibbs.

Regarding **claims 2, 11 and 20**, Henton in view de Hita and Nagao disclose a method for preparing a document to be read by a text-to-speech reader, but do not specifically teach a method further comprising marking a text element with a tag corresponding to the voice type classification of the text element.

Squibbs discloses audio-form presentation of text messages identifying two or more voice types (figure 2, element 40) further comprising marking a text element with a tag corresponding to the voice type classification of the text element (voicing tag; figure 2, element 40 with column 4, lines 44-67), to customize voicing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Henton in view de Hita and Nagao's method

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further comprising marking a text element with a tag corresponding to the voice type classification of the text element, as taught by Squibbs, to customize its voicing of the message and to incorporate particular sound passages into the audio form of the message (column 4, lines 44-67).

Regarding **claims 7, 16 and 25**, Henton in view de Hita and Nagao disclose a method for preparing a document to be read by a text-to-speech reader, but does not specifically teach a method wherein the step of classifying the text elements according to the available voice types comprises finding the best match between the grouped text elements and the characteristics of the voice types.

Squibbs discloses audio-form presentation of text messages identifying two or more voice types (figure 2, element 40) wherein the step of classifying the text elements according to the available voice types comprises finding the best match between the grouped text elements and the characteristics of the voice types (column 5, lines 30-47 with column 9, lines 42-65 and column 11, lines 46-49), to provide emotion indicators to be expressed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Henton in view de Hita and Nagao's method wherein the step of classifying the text elements according to the available voice types comprises finding the best match between the grouped text elements and the characteristics of the voice types, as taught by Squibbs, to provide a method for generating a text message enabling the user to embed in the text message both emotion indicators indicative of emotions to be expressed, and feature type indications



which serve to determine which of multiple audio-form of the text message, the emotions indicated by said emotion indicators (column 3, lines 25-33).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Horowitz et al. (USPN 6,122,647) disclose a dynamic generation of contextual links in hypertext documents.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571-272-7619. The examiner can normally be reached on Monday-Friday from 5:30am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ

November 16, 2007

  
RICHEMOND DORVIL  
SUPERVISORY PATENT EXAMINER